

1 **WO**

2
3
4
5
6 **NOT FOR PUBLICATION**

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA
9

10 IN RE: Zicam Cold Remedy Marketing,
11 Sales Practices, and Products Liability
12 Litigation.

No. 09-md-2096-PHX-FJM

ORDER

13 THIS DOCUMENT RELATES TO:

14 Morales, Jr., David v. Matrixx
15 Initiatives, Inc., et al.
16 CV 10-2753-PHX-DGC

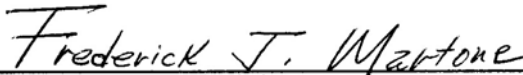
17
18 The court has before it the parties' "Stipulated Motion to Transfer Related Case to
19 MDL No. 2096 In Re: Zicam Cold Remedy Marketing, Sales Practices, and Products
20 Liability Litigation" (doc. 1300).

21 Plaintiffs allege that they suffered anosmia after using Zicam Cold Remedy, and assert
22 claims for fraud, negligence, failure to warn, defective design, breaches of express and
23 implied warranty, and violation of the Unfair and Deceptive Trade Practices Act. Plaintiffs'
24 cases involve the same defendants and call for determination of substantially the same
25 questions of law as the other personal injury cases in the MDL. See LRCiv 42.1(a).

26 Therefore, **IT IS ORDERED GRANTING** the parties' stipulated motion to transfer
27 (doc. 1300). **IT IS ORDERED** that 10-cv-2753-PHX-DGC shall be transferred to In Re:
28

Zicam Cold Remedy Marketing, Sales Practices, and Products Liability Litigation, MDL 09-2096-PHX-FJM.

DATED this 11th day of January, 2011.



Frederick J. Martone
United States District Judge